

REMARKS

Claims 1 through 18 are currently pending in the application, of which claims 10 through 18 are currently under examination. Claims 1 through 9 are withdrawn from consideration as being drawn to a non-elected invention.

This amendment is in response to the Office Action of December 1, 2004.

35 U.S.C. § 102(e) Anticipation Rejections**Anticipation Rejection Based on Brown et al. (U.S. Patent 6,746,371)**

Claims 10 through 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al. (U.S. Patent 6,746,371). The Applicant respectfully traverses this rejection.

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding presently amended claim 10, in the Office Action it is alleged that Brown et al. discloses providing an exercise apparatus; providing a computer having a CPU and memory; connecting the exercise apparatus and the computer; and providing at least one connection port operatively connected to the CPU of the computer, the at least one connection port for interfacing with a predetermined auxiliary device, the predetermined auxiliary device having a CPU and memory, the predetermined auxiliary device and the computer each having a protocol and software for allowing an exchange of data and for the predetermined auxiliary device to interface with the at least one connection port operatively connected to the computer.

Applicant asserts that Brown et al. does not expressly or inherently identically describe the element of the presently claimed invention of presently amended independent claim 10 calling for "providing a server operable to communicate workout data; connecting the server to the computer." Therefore, for at least this reason, Brown et al. does not and cannot anticipate under 35 U.S.C. § 102 presently amended independent claim 10.

Regarding claim 11, in the Office Action it is alleged that Brown et al. discloses the method of claim 10, wherein the at least one connection port includes a connection port having a light beam emitter/receiver for interacting with a corresponding emitter/receiver on

the auxiliary device. Applicant asserts that claim 11 is allowable as depending from an allowable independent claim.

Regarding claim 12, in the Office Action it is alleged that Brown et al. discloses the method of claim 10, wherein the at least one connection port includes a connection port physically interfaced with a port on the auxiliary device. Claim 12 is allowable as depending from an allowable independent claim.

Regarding presently amended claim 13, in the Office Action it is alleged that Brown et al. discloses connecting the plurality of computerized exercise apparatus in a network, each computerized exercise apparatus connected to at least one server having a central memory core, each computerized exercise apparatus having a base exercise machine connected to a computer in turn having a CPU and memory, said network including at least one connection port connected to the CPU of the computer of at least one of the plurality of computerized exercise apparatus, said at least one connection port for interfacing with a predetermined auxiliary device.

It is not alleged that Brown et al. anticipated the following elements of claim 13: said predetermined auxiliary device having at least one CPU and at least one memory, the predetermined auxiliary device and the computer each having a protocol and software for allowing an exchange of data for the predetermined auxiliary device to interface with the at least one connection port connected to the computer connected to the at least one server having a central memory core. Assuming that those elements were to be listed in any rejection, Applicant asserts that Brown et al. does not expressly or inherently identically describe the element of the claimed invention calling for "each at least one server configured to communicate workout data." Therefore, for at least this reason, Brown et al. does not anticipate under 35 U.S.C § 102 presently amended claim 13.

The Office Action does not provide any grounds for rejecting claims 14 through 18. Regardless, claims 14 through 18 are allowable as depending from an allowable independent claim. In addition, Applicant asserts that Brown et al. does not describe the element of the claimed invention calling for "at least one exchange station" of claim 16.

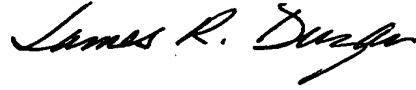
After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicant has amended the claimed invention to clearly distinguish over the cited prior art. Support for the new claims can be found in paragraphs [0010] and [0011] of the specification.

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Applicant submits that claims 10 through 20 are clearly allowable over the cited prior art.

Applicant requests the allowance of claims 10 through 20 and the case passed for issue.

Respectfully submitted,



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